

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RANI YADAV-RANJAN,

Plaintiff,

v.

NATIONSTAR MORTGAGE, LLC, et
al.,

Defendants.

Case No. 17-cv-03939 NC

**ORDER TO SHOW CAUSE
REGARDING EX PARTE MOTION
FOR AN EXTENSION OF TIME**

Re: Dkt. No. 92

On February 1, 2018, the Court issued its order on the motions to dismiss this case, and gave plaintiff Rani Yadav-Ranjan until February 15 to amend her complaint. Dkt. No. 88. On February 13, attorney Daniel P. White filed an “Ex Parte Application For Extension of Time to File Motion to Amend.” Dkt. No. 92. Attorney White requests a two-week extension of the February 15 deadline to file the motion for leave to file the amended complaint due to his having pneumonia. *Id.* at 2. Attorney White states that he is the contract attorney who “has been assigned the task of preparing the motion and the complaint[.]” *Id.*

This request is problematic for several reasons. First, attorney White has not appeared in this case. Civil L. R. 5-1(c)(2). He must do so to participate as an attorney in this action. Second, attorney White is not the attorney who drafted the dismissed complaint, so far as the Court can tell. Attorney Moss drafted the complaint. As a result, while the Court is understanding of attorney White’s poor health, the ex parte application

Case No. 17-cv-03939 NC

1 does not explain why attorney Moss cannot amend the complaint *he* drafted. As a matter
2 of common sense, attorney Moss would best know the way to amend the complaint he
3 drafted. The Court disapproves of attorney Moss's remaining silent and not participating
4 in any way in this ex parte application. He is the only attorney actively on record in this
5 case. Moreover, the ex parte application does not explain why defendants were not
6 consulted regarding the requested extension that might prejudice them. It was improper to
7 file this motion as such. Civil L. R. 7-10.

8 Thus, by tomorrow, February 15, 2018, at noon, attorney Moss is ORDERED to file
9 a declaration explaining: (1) why he cannot file the motion to amend the complaint and
10 draft the amended complaint himself within the permitted time period; and (2) why an
11 emergency ex parte motion was necessary.

12
13 **IT IS SO ORDERED.**

14
15 Dated: February 14, 2018

16
17
18
19
20
21
22
23
24
25
26
27
28


NATHANAEL M. COUSINS
United States Magistrate Judge